THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.15078 of 2007

16.7.2007

Between:

K.Shailaja, W/o.K.Sudhir Reddy

… Petitioner

AND

The Joint Collector-II, Ranga Reddy District

And others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.15078 of 2007

ORDER:

This writ petition is filed seeking a writ of Mandamus declaring the action of the second respondent, namely, the Revenue Divisional Officer (East Division), Ranga Reddy District (RDO), in initiating proceedings for grant of Occupancy Rights Certificate (ORC) in respect of lands comprised in survey Nos.255, 258, 275/A, 277/A, 292, 293, 294, 299, 300, 301, 305 and 306 situated at Mamidipally village of Saroornagar Mandal in Ranga Reddy District, as illegal and arbitrary, and for a consequential direction to second respondent not to grant ORC to third respondent.

The petitioner herein allegedly purchased an extent of Acs.2.00 in survey No.294 of Mamidipally village under registered document No.3932/05, dated 25.4.2005. Her vendor was allegedly granted ORC by the RDO under the provisions of A.P. (Telangana Area) Abolition of Inams Act, 1955 (Inams Abolition Act, for brevity). Some other persons also purchased the land and their names were mutated as per the provisions of A.P. Rights in Land and Pattadar Pass Books Act, 1971 (the Act, for brevity). Petitioner further states that the ORC issued in favour of her vendor was challenged before the appellate authority. By order dated 25.2.2006, first respondent set aside the ORC issued by the RDO. Thereafter third respondent filed application before the second respondent seeking ORC in the name of Dharga Saif Nawaz Jung, under Section 4 read with 10 of Inams Abolition Act. When the second respondent initiated action on the application of the third respondent, petitioner filed the instant writ petition.

Learned Counsel for the petitioner submits that the Joint Collector passed orders without issuing notice to the petitioner, who is in actual possession of the land, and therefore the consequential proceedings before the first respondent at the instance of third respondent for grant of ORC are unsustainable. He also submits that when the order passed by the first respondent dated 25.2.2006 under Section 24 of Inams Abolition Act is subject matter of writ petition pending before this Court, first respondent ought not to have initiated action for issue of ORC. This Court,

after perusing the order passed by the first respondent dated 25.2.2006 and the notice issued by the second respondent in Form No.2 on 04.5.2006, is of considered opinion that the land in survey No.294 does not form part of the present proceedings initiated by the second respondent. Even otherwise now that the first respondent is seized of the matter, nothing prevents the petitioner to approach the second respondent and raise all objections for grant of ORC in favour of third respondent to the extent of Acs.2.00 which the petitioner allegedly purchased under registered document dated 25.4.2005. When the grant of ORC to the third respondent is subject matter of the enquiry before the first respondent, it would not be proper for this Court to express any opinion on the right of either the third respondent or the petitioner to get ORC. Liberty is given to the petitioner to file appropriate application to get impleaded before the first respondent. As and when such application is filed, petitioner may be heard by the first respondent before issuing ORC in favour of the third respondent. It is also open to the petitioner to bring to the notice of the second respondent about the pendency of the writ petition being W.P. No.6082 of 2006 filed against the orders of the Joint Collector dated 25.2.2006 in Case No.F1/337/2005 etc.

The writ petition is misconceived and is accordingly dismissed. No costs.

_____

(**V.V.S.RAO, J**)

July 16, 2007
YS